

CLAIM OF: ROBERT F. WEATHERLY
2959 Habersham Way
Atlanta, Georgia 30305

FAVORABLE REPORT

For damages alleged to have been sustained as a result of a vehicular accident on January 28, 1999, on Freedom Parkway at Boulevard.

COM. _____

DATE Feb 21 2000

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:

John M. Starns
Henry Jones
James

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to ROBERT F. WEATHERLY the sum of \$891.18 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on January 28, 1999 on Freedom Parkway at Boulevard as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

Henry Jones
James

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

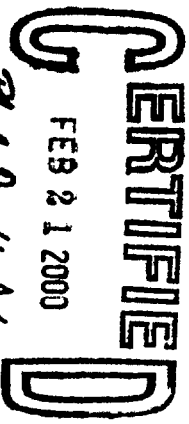
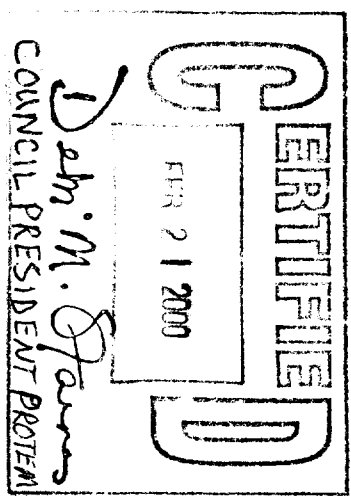
BY: Rosalind A. Rubens Newell
ROSALIND A. RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY

FEB 21 2000

COUNCIL

John M. Starns
Henry Jones



APPROVED

MAR - 1 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-0160

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Robert F. Weatherly** the sum of **\$891.18** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on January 28, 1999, on Freedom Parkway at Boulevard** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

February 21, 2000

March 01, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0148

Date: January 5, 2000

Claimant / Victim ROBERT F. WEATHERLY
BY: (Atty) (Ins. Co.) _____
Address: 2959 Habersham Way, Atlanta, Georgia 30305
Subrogation: _____ Claim for Property damage \$ 891.18 Bodily Injury \$ _____
Date of Notice: 2-23-99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1-28-99 Place: Freedom Parkway at Boulevard
Department Police Bureau: _____ Division _____
Employee involved Officer S. D. Priestly Dept. Action Two day suspension

NATURE OF CLAIM: Claimant's vehicle sustained property damage when it was struck in the rear by a City of Atlanta vehicle. The driver of the city vehicle was following too close and collided with the Claimant's vehicle causing damages in the above amount.

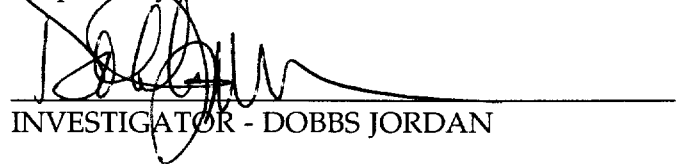
INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written X Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver X Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

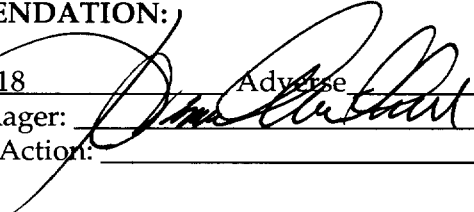
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DOBBS JORDAN

RECOMMENDATION:

Pay \$ 891.18 Advise _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 01-13-00
Committee Action: _____ Council Action _____

JORDAN
03/04/99
Dr

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: Feb 9 '99

FEB 23

Dear Municipal Clerk:

02-23-99 PM 4:02 OUT
ENTERED - 3-5-99 - SB
99L0148 - DOBBS JORDAN

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 891.18 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 1/28/99 2. Time of Incident: 9:50 PM 3. Police called: ✓
(month/day/year) Yes No
4. Location of incident (including street address): Freedom Pkwy
5. Name of your insurance company: Progressive Policy No. NC 10439961-0
6. State what and how incident occurred: I exited 85/75 South on to Freedom Pkwy, I
came to a stop at the 1st red light. I was then hit from behind
by an Atlanta Police officer. All I was given was a case
number which I have written below.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle:	<u>Mazda</u>	<u>90</u>	<u>45LE5</u>	<u>Robert Weatherly</u>
	(Make)	(Year)	(Tag Number)	(Driver's Name)
City vehicle:	<u>White Police Car</u>	<u>Case # 99028 2298</u>	<u>Atlanta City</u>	
	(Make)	(City Driver's Name)	(Department/Bureau)	

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT

Signature of Claimant

Robert F. Weatherly
(Print Claimant's Name)

2959 Habersham Way
(Address)

Atlanta, Ga. 30305
(City, State and Zip Code)

404-237-6037
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

NO. 99L0148

\$ 891.18

IN CONSIDERATION of the sum of EIGHT HUNDRED NINETY-ONE DOLLARS AND .18/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and
forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes
of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything
that has heretofore occurred, and particularly for or on account of _____

property damage

which occurred on or about the 28th day of January, 1999,

at or near Freedom Parkway at Boulevard

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 14th day of Jan., 19.

ROBERT F. WEATHERLY

(LS)

The above release was read and explained to, and signed by the individual Robert Weatherly
in our presence on the date above written.

and signed by the Robert Weatherly
 _____ in our presence on the date above written.

Rebecca L. McWilliams

REBECCA L. MCWILLIAMS
 COMMISSION EXPIRES
 JULY 27 2003
 COUNTY OF BRADY
 NOTARY PUBLIC
 TEXAS

00-*R*-0160

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSE ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.